

May 18, 2018

Samantha Zhitnitsky
Account Coordinator
Avid Marketing Group
100 Corporate Place, Suite 200
Rocky Hill, CT 06067
VIA E-MAIL

RE: Yuengling® American Adventure Sweepstakes

Dear Ms. Zhitnitsky:

ISSUE: This correspondence is in response to your e-mail dated May 8, 2018, in which you seek legal review, on behalf of D.G. Yuengling & Son, Inc., of a proposed sweepstakes to be conducted in Pennsylvania.

According to the official rules you provided, the “Yuengling® American Adventure Sweepstakes” promotion is scheduled to begin on June 1, and runs until August 31, 2018. Interested individuals may enter the sweepstakes by texting the word “ADVENTURE” to 55755 and following the link to verify their age and completing an entry form with their name, date of birth, state, telephone number, and e-mail address. Alternatively, interested individuals may visit the sweepstakes website at www.YuenglingAmericanAdventure.com and providing the required information. Entrants are limited to one entry per person.

One grand prize winner will be randomly selected to receive one \$500.00 Cloud 9 Living gift card. The approximate retail value of the prize is \$500.00. No purchase is necessary to enter the sweepstakes and the sweepstakes is open only to adults who are at least twenty-one years of age at the time of entry. The rules specify that alcoholic beverages are not included in the prize.

OPINION: Section 5.32(h) of the Pennsylvania Liquor Control Board’s (“PLCB”) Regulations states that a manufacturer, manufacturer’s representative, or licensee may sponsor sweepstakes promotions subject to the following conditions:

- i. No purchase is necessary to enter.
- ii. Entrants shall be twenty-one years of age or older.

- iii. Retail licensed premises may only be involved as pick-up or drop-off points for entry forms and not for the conducting of drawings or the awarding of prizes.
- iv. Alcoholic beverages may not be part of the prize.

40 Pa. Code § 5.32(h).

This office has reviewed the proposed sweepstakes promotion and determined that it comports with applicable liquor laws and regulations, specifically section 5.32(h) of the PLCB's Regulations, 40 Pa. Code § 5.32(h).

Please be advised that prior approval of malt or brewed beverages point-of-sale ("POS") material and retail licensed premises POS material is no longer required. However, the requirement for prior approval of POS material intended for use in the PLCB's Fine Wine & Good Spirits stores from the Bureau of Product Selection remains. The total cost of all POS advertising material relating to any one brand of any one manufacturer at any one time may not exceed \$300.00 on a retail licensed premises. 47 P.S. § 4-493(20)(i).

Therefore, it would be permissible to conduct this promotion in the Commonwealth in reference to the areas checked below:

- ☐ retail licensed premises.
- ☐ distributor licensed premises.
- ☒ both retail and distributor licensed premises.
- ☐ the PLCB's Fine Wine & Good Spirits stores, subject to approval of the Bureau of Product Selection (POS only).
- ☒ other – Internet, text messaging.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS.

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THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE
SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA
LIQUOR CONTROL BOARD.

Sincerely,

A handwritten signature in cursive script, reading "Rodrigo J. Diaz".

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 18-187